

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

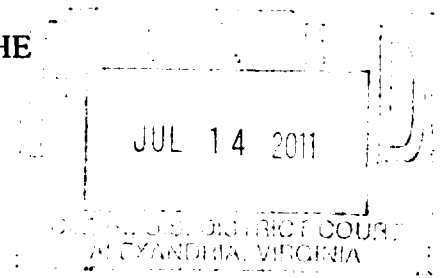
UNITED STATES OF AMERICA,

v.

CARLOS MISRAEL GARCIA,
Defendant.

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Criminal No: 1:11MJ566



AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT

I, Corey S. Holsinger, being duly sworn, state as follows:

1. I am a Special Agent with the Department of Homeland Security ("DHS") U.S. Immigration and Customs Enforcement ("ICE") and have been employed in this capacity since May 2009. I am assigned to the Office of the Special Agent in Charge for the District of Columbia and Virginia, which is located in Fairfax, Virginia. I am a graduate of the Criminal Investigator Training Program and the ICE Special Agent Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia. My duties as a Deportation Officer with ICE include investigating administrative and criminal violations of the INA and Title 8 of the United States Code and seeking, when applicable, prosecution and removal of violators. I received training in general law enforcement, including training in Title 8 of the United States Code.

2. This affidavit is submitted in support of a criminal complaint charging CARLOS MISRAEL GARCIA with being found in the United States, after being denied admission, excluded, or removed, or having departed the United States while an order of exclusion, deportation, or removal was outstanding, in violation of Title 8, United States Code, Sections 1326(a). This affidavit is also submitted in support of an arrest warrant.

3. The facts and information contained in this affidavit are based upon my training and experience, participation in immigration investigations, personal knowledge, and observations during the course of this investigation, as well as the observations of other agents involved in this investigation. All observations not personally made by me were related to me by the individuals who made them or were conveyed to me by my review of records, documents, and other physical evidence obtained during the course of this investigation. This affidavit contains information necessary to support probable cause, and it is not intended to include each and every fact and matter observed by me or known to the Government.

4. On July 5, 2011, ICE in Fairfax, Virginia, received information from the Fairfax County Police Department, which is in the Eastern District of Virginia, that GARCIA, a suspected illegal alien, was being detained. ICE agents conducted a field interview of GARCIA and determined that he did not possess any valid immigration documents. GARCIA admitted to being illegally present in the United States. Thereafter, ICE administratively arrested and transported GARCIA to the ICE office in Fairfax, Virginia where he was interviewed and administratively processed.

5. An ICE Special Agent interviewed GARCIA on July 7, 2011, at the ICE Washington Field Office in Fairfax, Virginia. The Agent identified himself and advised GARCIA of his *Miranda* rights. After being given his *Miranda* rights in Spanish GARCIA freely and voluntarily waived his right to remain silent and his right to have a lawyer or any person present to advise him. A sworn statement was taken wherein GARCIA provided the following information:

- a) that his true and correct name is CARLOS MISRAEL GARCIA;
- b) that he is a citizen and national of El Salvador;

- d) that he was previously deported/removed from the United States;
- e) that he reentered the United States, without inspection, at or near McAllen, Texas, on or about June 23, 2011;
- f) that he did not receive permission of the Secretary of DHS or the Attorney General to reapply for admission to the United States after being removed.

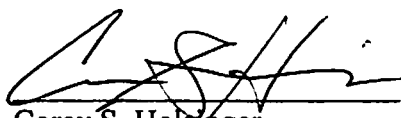
6. GARCIA was fingerprinted on July 5, 2011. Those fingerprints were then processed through ICE indices containing fingerprint records of known and previously deported aliens. This system is also integrated with the criminal records maintained by the Federal Bureau of Investigation (FBI) known as the Integrated Automated Fingerprint Identification System (IAFIS). Results of this query showed positive matches to GARCIA, associated with FBI number, ##### and Alien Registration Number, #####. Additionally, photographic images of GARCIA were returned which indicated that he had been previously apprehended by DHS enforcement officers.

7. On July 8, 2011, your affiant conducted a search of documents from GARCIA's immigration file that is maintained by the United States Citizenship and Immigration Services. The file contained an executed Immigration Service form I-205, Warrant of Removal/Deportation, bearing the photograph, fingerprint, and signature GARCIA. GARCIA was removed from the United States on October 15, 2009.

8. On July 13, 2011, three exhibits of GARCIA's fingerprints which were taken from his previous removal, including form I-213, Record of Deportable/Inadmissible Alien, and those fingerprints taken on July 5, 2011, were submitted to the FBI Special Processing Center for comparison. On July 13, 2011, the FBI responded by stating that the form I-213 was a match to FBI number #####. The other two prints were of poor quality and were unable to be compared.

9. GARCIA's alien file indicates that GARCIA does not have any immigration benefit, document, or status that would allow him to enter, be admitted, pass through, or reside in the United States legally and that he has neither sought nor obtained permission from the Attorney General or the Secretary of Homeland Security to reenter the United States following his formal removal.

10. Based on the foregoing, I submit that there is probable cause to believe that on or about July 5, 2011, in Fairfax County, within the Eastern District of Virginia, the defendant GARCIA, having been removed from the United States on or about October 15, 2009, was found in the United States without having obtained the express consent of the Attorney General or the Secretary of the Homeland Security, to reapply for admission to the United States.



Corey S. Holsinger
Special Agent
United States Immigration and
Customs Enforcement

Subscribed and sworn to before me on the 14th day of July, 2011.

/s/Thomas Rawles Jones, Jr.

The Honorable T. Rawles Jones, Jr.
United States Magistrate Judge